

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**APPLICATION OF DOMINION NUCLEAR :
CONNECTICUT, INC. TO MODIFY SITING :
COUNCIL CERTIFICATE (DOCKET NO. :
265A) FOR THE EXISTING INDEPENDENT :
SPENT FUEL STORAGE INSTALLATION :
(DRY STORAGE SYSTEM) AT MILLSTONE :
[NUCLEAR] POWER STATION, ROPE :
FERRY ROAD, WATERFORD, :
CONNECTICUT : APRIL 25, 2013**

**CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON
COMMENTS REGARDING DRAFT FINDINGS OF FACT**

The intervenors Connecticut Coalition Against Millstone and Nancy Burton present herewith their comments regarding errors or inconsistencies in the Siting Council's Draft Findings of Fact, as follows:

25. "The NRC has undertaken examination of an Environmental Impact Statement (EIS) for the storage of spent nuclear fuel at commercial nuclear power plants consistent with the U.S. Court of Appeals decision."

Rather than "examination," it is correct to say "preparation" of an EIS.

It is also correct and necessary to state that the NRC's EIS will encompass the storage of spent nuclear fuel at Millstone.

33. "DNC's projections for spent fuel movement to the ISFSI have been updated in response to changes in plant operations and spent fuel management strategies."

This draft finding mirrors Dominion's statement in its application (DNC 1 at page 12), but it is inconsistent with the facts elicited during the public hearing. In fact, the "new fuel assembly design planned for first use in 2015" at Millstone Unit 2 has not received a necessary U.S. Nuclear Regulatory Commission approval, nor has Dominion even applied for approval. Hence, the four additional HSMs Dominion identified as being needed to accommodate the new fuel assembly design are not needed and Unit 2 spent fuel needs are the same as was the case in Docket 265. The projection is purely speculative. The only change from Docket 265 will be from the need to load one extra DSC every five years from Millstone Unit 3. Dominion's anticipation that 49 HSMs would be loaded by 2021, rather

than by 2025 as Dominion projected in Docket 265 proceedings, is therefore incorrect.

52. “DNC seeks to install the new concrete pads as soon as possible to accommodate the installation of seven HSMs by 2014 for scheduled fuel loading in 2015. (DNC 9)”

This draft finding is inconsistent with the fact that the Siting Council authorized a concrete pad accommodating 49 HSMs in Docket 265 proceedings. Dominion has so far only utilized 19 HSMs, 18 of which are loaded with spent nuclear fuel. (Draft Finding of Fact 39). Dominion has not built the concrete pad to the extent authorized by the Siting Council in Docket 265 because it has delayed building out what the Council previously authorized it to build out. Dominion does not require Siting Council approval to enable it to build a concrete pad to accommodate seven HSMs by 2014 for scheduled fuel loading in 2015 as it already has Siting Council authorization to do so.

55. “The project is not within a flood hazard area as delineated by the Federal Emergency Management Agency.”

It is inconsistent with the record to fail to state that the IFSFI is *within close proximity to, that is, on the edge of*, a federally delineated flood hazard area as well as the fact that a preponderance of the nuclear-sensitive site, including Units 1 and 2, are located within federally delineated flood hazard areas, according to the FEMA mapping in evidence.

“The flood elevations recorded for Super Storm Sandy (2012) and Tropical Storm Irene (2011) were approximately nine feet amsl.”

This draft finding of fact regarding Super Storm Sandy is contradicted by the U.S. Nuclear Regulatory Commission Integrated Inspection Report dated January 13, 2013, which is in the record, in which it is stated that Dominion lacked adequate means to measure flood levels above 9 feet. Report at page 6. Thus, it is incorrect to state that the flood elevation was nine feet amsl when the elevation may well have been higher but Dominion was unequipped to measure the actual level.

CONNECTICUT COALITION AGAINST MILLSTONE

Nancy Burton, Director
147 Cross Highway
Redding Ridge CT 6876

Tel. 203-938-3952
NancyBurtonCT@aol.com

NANCY BURTON

Nancy Burton
147 Cross Highway
Redding Ridge CT 6876
Tel. 203-938-3952
NancyBurtonCT@aol.com

CERTIFICATION

This is to certify that a copy of the foregoing was transmitted via email to the following on April 25, 2013:

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford CT 06103-3597
kbaldwin@rc.com

Black Point Beach Club Association
c/o Thomas Kelly
fretom@earthlink.net

Robert A. Avena, Esq.
Kepple, Morgan & Avena P.C.
Box 3A Anguilla Park
20 South Anguilla Road
Pawcatuck CT 6379
raa@kccaz.com

James S. Butler, AICP
Executive Director
Southeastern Connecticut Council of Governments
5 Connecticut Avenue
Norwich CT 06360
jbutler@seccog.org

Robert D. Snook, Esq.
Assistant Attorney General
55 Elm Street
Hartford CT 6106
Robert.Snook@ct.gov

